

**Subject: City of San Diego Open Space Brush Management Right of Entry Permit**

Dear Property Owner:

Permission is hereby granted to \_\_\_\_\_, property owner(s) at  
*First and last name*

\_\_\_\_\_,  
*Street Address City Zip Code Parcel No.*  
on \_\_\_\_\_ [“Permitee”] to enter upon City of San Diego [“City”] Open Space  
*Date*

property for the sole purpose of performing brush management to address potential fire hazards to the above-referenced property. Permission is granted subject to the following conditions:

1. All brush management shall conform to the *City of San Diego Fire Safety and Brush Management Guide* [“Guide”](attached Exhibit A). The total area of brush management shall not extend beyond 100 feet from the habitable structure located at the above address.

2. All brush management on City Open Space property shall conform to the requirements for Zone 2, and consist of 50% thinning only as described in the attached Guide. Non-native invasive plants should be pruned or thinned when possible before native plants. City staff should be consulted prior to commencement of brush management to review appropriate thinning techniques and to verify the location of native vs. non-native plants. **No grubbing (removal of plants or plant root systems) or grading is allowed under this permit.**

3. **No trees of any size may be cut down under this permit.** Exceptions to this rule may be made only if the tree is determined by City staff to be dead or dying, or to pose a significant public safety hazard that cannot be remedied through appropriate pruning of lower limbs or other measures. Such exceptions must be reviewed on a case by case basis and approved by the City of San Diego Park and Recreation Department Open Space District Manager, in consultation with the City of San Diego Park and Recreation Department arborist.

4. Vegetation thinned on City property shall not be left on City property, but must be disposed of within one week of the completion of brush thinning in a manner acceptable to the City of San Diego Park and Recreation Department Open Space Division and the Fire Department Fire Prevention Section. This may include hauling to the City landfill to the Greens Recycling area; chipping on-site to haul off for use on an approved site; or, in some cases, as approved by the Open Space Division District Manager and the Fire Chief, chipping and spreading of mulch on-site to a depth not to exceed 6 inches.

*(continued)*

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5. No plant material or temporary irrigation shall be installed on City property without approval of the Park and Recreation Department Open Space District Manager.
6. Permittee agrees to defend, indemnify, protect and hold the City, its agents, officers and employees harmless from and against any and all claims asserted or liability established for damages or injuries to any persons or property, including injury to Permittee's employees, agents, or officers which arise from or are connected with or are caused or claimed to be caused by the acts or omission of Permittee and its agents, officers, or employees in performing the work or services herein and all expenses of investigating and defending against same; provided that Permittee's duty to indemnify and hold harmless shall not include any claims or liability arising from established active negligence, sole negligence, or sole willful misconduct of the City, its agents, officers, or employees.
7. This permit is not considered to be in effect until a signed copy is received by the City of San Diego Park and Recreation Department Open Space Division.
8. All work shall be completed within a timeframe of 120 calendar days from the date the signed permit is received by the City of San Diego Park and Recreation Department Open Space Division. **After 120 days, this permit will expire and a new permit will be required for future brush management.**
9. Goats may be used for brush management in all areas except for the Coastal Overlay Zone. Goats must be managed in compliance with *City of San Diego Brush Management Regulations Bulletin #2: Use of Goats for Brush Management* (attached Exhibit B). In addition to this Permit, Permittee must submit to Park and Recreation Open Space an *Application for Use of Goats for Brush Management Permit* (attached Exhibit C).
10. Brush management is not allowed in coastal sage scrub during the California gnatcatcher nesting season, March 1 through August 15. This small bird only lives in coastal sage scrub and is listed as a threatened species by the federal government. Any harm to this bird could result in fines and penalties.
11. Any exceptions to the conditions listed herein must be approved in writing by City of San Diego Park and Recreation Department Open Space District Manager and the City of San Diego Fire Chief.
12. When brush management is completed, Permittee shall notify City Brush Management Utility Supervisor for sign-off at (619) 525-8607.
13. This permit is revocable at any time by the City of San Diego. It is mutually agreed that the City of San Diego shall not be obligated for any loss, financial or otherwise, which may be incurred by Permittee as a result of termination of this permit, and further, that Permittee expressly waives any claim for expense or loss which Permittee might incur as a result of termination of this permit.

14. Permittee shall, at its sole cost and expense, comply with the requirements of all municipal, state and federal authorities now in effect or which may hereafter be in effect, which pertain City of San Diego Open Space and the activities contemplated by this permit.

**15. Any violations of the conditions of this permit, including but not limited to grubbing, grading, excessive thinning of brush or cutting down of trees, may subject Permittee to any and all remedies available under the San Diego Municipal Code, including but not limited to fines, mitigation, and/or penalties in an amount reasonably required to replenish plants or restore habitat.**

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Open Space District Manager  
Park and Recreation Department

*I accept the above conditions and agree to perform brush management in accordance with this permit and the City of San Diego Fire Safety and Brush Management Guide, and, if applicable, the City of San Diego Brush Management Regulations Bulletin #2: Use of Goats for Brush Management:*

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*Permittee Signature*

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*Date*

**PLEASE SIGN BOTH COPIES AND MAIL OR FAX ONE COPY TO:**

**City of San Diego Park and Recreation Department  
Open Space Division District Manager  
1250 Sixth Ave., 4<sup>th</sup> Floor  
San Diego, CA 92101  
Fax: 619-685-1362**

Attachments: A. City of San Diego Fire Safety & Brush Management Guide  
B. City of San Diego Brush Management Regulations Bulletin #2:  
Use of Goats for Brush Management  
C. Application for Use of Goats for Brush Management Permit